

|  |  |  |                                      |
|--|--|--|--------------------------------------|
| Substitute Form PTO-1449<br>(Modified)   | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br><b>014US1</b>     | Application No.<br><b>10/789,797</b> |
| <b>Information Disclosure Statement<br/>by Applicant</b><br>(Use several sheets if necessary)<br><br>(37 CFR §1.98(b)) |  | Applicant<br><b>Patrick Miles et al.</b> |                                      |
|  |  | Filing Date<br><b>February 27, 2004</b>  | Group Art Unit<br><b>3733</b>        |

| U.S. Patent Documents |           |                 |                  |                    |       |          |                            |
|-----------------------|-----------|-----------------|------------------|--------------------|-------|----------|----------------------------|
| Examiner Initial      | Desig. ID | Document Number | Publication Date | Patentee           | Class | Subclass | Filing Date If Appropriate |
|                       | 1         | 208,227         | 09/24/1878       | Dorr               |       |          |                            |
|                       | 2         | 972,983         | 10/18/1910       | Arthur             |       |          |                            |
|                       | 3         | 1,328,624       | 1/20/1920        | Graham             |       |          |                            |
|                       | 4         | 4,226,228       | 10/7/1980        | Shin et al.        |       |          |                            |
|                       | 5         | 4,611,597       | 9/16/1986        | Kraus              |       |          |                            |
|                       | 6         | 4,784,150       | 11/15/1988       | Voorhies et al.    |       |          |                            |
|                       | 7         | 4,913,134       | 4/3/1990         | Luque              |       |          |                            |
|                       | 8         | 5,171,279       | 12/15/1992       | Mathews            |       |          |                            |
|                       | 9         | 5,450,845       | 9/19/1995        | Alexgaard          |       |          |                            |
|                       | 10        | 5,509,893       | 4/23/1996        | Pracas             |       |          |                            |
|                       | 11        | 5,571,149       | 11/5/1996        | Liss et al.        |       |          |                            |
|                       | 12        | 5,667,508       | 9/1/1997         | Errico et al.      |       |          |                            |
|                       | 13        | 5,775,331       | 7/7/1998         | Raymond et al.     |       |          |                            |
|                       | 14        | 5,776,144       | 7/7/1998         | Leysieffer et al.  |       |          |                            |
|                       | 15        | 5,792,044       | 8/11/1998        | Foley et al.       |       |          |                            |
|                       | 16        | 5,935,131       | 8/10/1999        | Bonutti et al.     |       |          |                            |
|                       | 17        | 5,938,688       | 8/17/1999        | Schiff             |       |          |                            |
|                       | 18        | 5,944,658       | 8/31/1999        | Koros et al.       |       |          |                            |
|                       | 19        | 6,038,469       | 3/14/2000        | Karlsson et al.    |       |          |                            |
|                       | 20        | 6,095,987       | 8/1/2000         | Schmulewitz        |       |          |                            |
|                       | 21        | 6,104,960       | 8/15/2000        | Duysens et al.     |       |          |                            |
|                       | 22        | 6,139,493       | 10/31/2000       | Koros et al.       |       |          |                            |
|                       | 23        | 6,152,871       | 11/6/2000        | Foley et al.       |       |          |                            |
|                       | 24        | 6,181,961       | 1/30/2001        | Prass              |       |          |                            |
|                       | 25        | 6,273,905       | 8/14/2001        | Streeter           |       |          |                            |
|                       | 26        | 6,425,859       | 7/30/2002        | Foley et al.       |       |          |                            |
|                       | 27        | 6,451,015       | 9/17/2002        | Rittman III et al. |       |          |                            |

|  |                                      |
|--|--------------------------------------|
| Examiner Signature<br><b>/Ellen Hammond/</b>   | Date Considered<br><b>08/05/2010</b> |
| EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                                      |

|  |  |  |                                      |
|--|--|--|--------------------------------------|
| Substitute Form PTO-1449<br>(Modified)   | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br><b>014US1</b>     | Application No.<br><b>10/789,797</b> |
| <b>Information Disclosure Statement<br/>by Applicant</b><br>(Use several sheets if necessary)<br><br>(37 CFR §1.98(b)) |  | Applicant<br><b>Patrick Miles et al.</b> |                                      |
|  |  | Filing Date<br><b>February 27, 2004</b>  | Group Art Unit<br><b>3733</b>        |

| U.S. Patent Documents |           |                 |                  |                    |       |          |                            |
|-----------------------|-----------|-----------------|------------------|--------------------|-------|----------|----------------------------|
| Examiner Initial      | Desig. ID | Document Number | Publication Date | Patentee           | Class | Subclass | Filing Date If Appropriate |
|                       | 28        | 6,468,205       | 10/22/2002       | Mollenauer et al.  |       |          |                            |
|                       | 29        | 6,468,207       | 10/22/2002       | Fowler Jr.         |       |          |                            |
|                       | 30        | 6,524,320       | 2/25/2003        | DiPoto             |       |          |                            |
|                       | 31        | 6,535,759       | 3/18/2003        | Epstein et al.     |       |          |                            |
|                       | 32        | 6,579,244       | 6/17/2003        | Goodwin            |       |          |                            |
|                       | 33        | 6,719,692       | 4/13/2004        | Kleffner et al.    |       |          |                            |
|                       | 34        | 6,796,985       | 9/28/2004        | Bolger et al.      |       |          |                            |
|                       | 35        | 6,810,281       | 10/26/2004       | Brock et al.       |       |          |                            |
|                       | 36        | 6,819,956       | 11/16/2004       | DiLorenzo          |       |          |                            |
|                       | 37        | 6,847,849       | 1/25/2005        | Mamo et al.        |       |          |                            |
|                       | 38        | 6,849,047       | 2/1/2005         | Goodwin            |       |          |                            |
|                       | 39        | 6,855,105       | 2/15/2005        | Jackson III et al. |       |          |                            |
|                       | 40        | 6,926,728       | 8/9/2005         | Zucherman et al.   |       |          |                            |
|                       | 41        | 6,945,933       | 9/20/2005        | Branch             |       |          |                            |
|                       | 42        | 7,047,082       | 5/16/2006        | Schrom et al.      |       |          |                            |
|                       | 43        | 7,089,059       | 8/8/2006         | Pless              |       |          |                            |
|                       | 44        | 7,177,677       | 2/13/2007        | Kaula et al.       |       |          |                            |
|                       | 45        | 7,207,949       | 4/24/2007        | Miles et al.       |       |          |                            |
|                       | 46        | 7,261,688       | 8/28/2007        | Smith et al.       |       |          |                            |
|                       | 47        | 7,582,058       | 9/1/2009         | Miles et al.       |       |          |                            |
|                       | 48        | 2001/0039949    | 11/15/2001       | Loubser            |       |          |                            |
|                       | 49        | 2001/0056280    | 12/27/2001       | Underwood et al.   |       |          |                            |
|                       | 50        | 2002/0123780    | 9/5/2002         | Grill et al.       |       |          |                            |
|                       | 51        | 2002/0193843    | 12/19/2002       | Hill et al.        |       |          |                            |
|                       | 52        | 2003/0032966    | 2/13/2003        | Foley et al.       |       |          |                            |
|                       | 53        | 2003/0105503    | 6/5/2003         | Marino             |       |          |                            |
|                       | 54        | 2003/0149341    | 8/7/2003         | Clifton            |       |          |                            |

|  |                                      |
|--|--------------------------------------|
| Examiner Signature<br><b>/Ellen Hammond/</b>   | Date Considered<br><b>08/05/2010</b> |
| EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                                      |

|  |  |  |                                      |
|--|--|--|--------------------------------------|
| Substitute Form PTO-1449<br>(Modified)   | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br><b>014US1</b>     | Application No.<br><b>10/789,797</b> |
| <b>Information Disclosure Statement<br/>by Applicant</b><br>(Use several sheets if necessary)<br><br>(37 CFR §1.98(b)) |  | Applicant<br><b>Patrick Miles et al.</b> |                                      |
|  |  | Filing Date<br><b>February 27, 2004</b>  | Group Art Unit<br><b>3733</b>        |

### U.S. Patent Documents

| Examiner Initial | Desig. ID | Document Number | Publication Date | Patentee        | Class | Subclass | Filing Date If Appropriate |
|------------------|-----------|-----------------|------------------|-----------------|-------|----------|----------------------------|
|                  | 55        | 2004/0199084    | 10/7/2004        | Kelleher et al. |       |          |                            |
|                  | 56        | 2004/0225228    | 11/11/2004       | Ferree          |       |          |                            |
|                  | 57        | 2005/0033380    | 2/10/2005        | Tanner et al.   |       |          |                            |
|                  | 58        | 2005/0149035    | 7/7/2005         | Pimenta et al.  |       |          |                            |
|                  | 59        | 2005/0192575    | 9/1/2005         | Pacheco         |       |          |                            |
|                  | 60        | 2006/0052828    | 3/9/2006         | Kim et al.      |       |          |                            |
|                  | 61        | 2007/0016097    | 1/18/2007        | Farquhar et al. |       |          |                            |
|                  | 62        | 2007/0198062    | 8/23/2007        | Miles et al.    |       |          |                            |
|                  | 63        | 2007/0293782    | 12/20/2007       | Marino          |       |          |                            |
|                  | 64        | 2008/0058606    | 3/6/2008         | Miles et al.    |       |          |                            |
|                  | 65        | 2008/0064976    | 3/13/2008        | Kelleher et al. |       |          |                            |
|                  | 66        | 2008/0064977    | 3/13/2008        | Kelleher et al. |       |          |                            |
|                  | 67        | 2008/0065178    | 3/13/2008        | Kelleher et al. |       |          |                            |
|                  | 68        | 2008/0071191    | 3/20/2008        | Kelleher et al. |       |          |                            |
|                  | 69        | 2008/0097164    | 4/24/2008        | Miles et al.    |       |          |                            |
|                  | 70        | 2009/0124860    | 5/14/2009        | Miles et al.    |       |          |                            |
|                  | 71        | 2009/0138050    | 5/28/2009        | Ferree          |       |          |                            |
|                  | 72        | 2009/0192403    | 7/30/2009        | Gharib et al.   |       |          |                            |
|                  | 73        | 2009/0204016    | 8/13/2009        | Gharib et al.   |       |          |                            |

### Foreign Patent Documents or Published Foreign Patent Applications

| Examiner Initial | Desig. ID | Document Number | Publication Date | Country or Patent Office | Class | Subclass | Translation |    |
|------------------|-----------|-----------------|------------------|--------------------------|-------|----------|-------------|----|
|                  |           |                 |                  |                          |       |          | Yes         | No |
|                  | 74        | WO 02/054960    | 7/18/2002        | WIPO                     |       |          |             |    |
|                  | 75        | WO 03/005887    | 1/23/2003        | WIPO                     |       |          |             |    |
|                  | 76        | DE 299 08 259   | 7/15/1999        | Germany                  |       |          | Abs.        |    |
|                  | 77        | FR 2 795 624    | 1/5/2001         | France                   |       |          | Abs.        |    |
|                  | 78        | WO 00/67645     | 11/16/2000       | WIPO                     |       |          |             |    |

|  |                                      |
|--|--------------------------------------|
| Examiner Signature<br><b>/Ellen Hammond/</b>   | Date Considered<br><b>08/05/2010</b> |
| EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                                      |

|  |  |  |                                      |
|--|--|--|--------------------------------------|
| Substitute Form PTO-1449<br>(Modified)   | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br><b>014US1</b>     | Application No.<br><b>10/789,797</b> |
| <b>Information Disclosure Statement<br/>by Applicant</b><br>(Use several sheets if necessary)<br><br>(37 CFR §1.98(b)) |  | Applicant<br><b>Patrick Miles et al.</b> |                                      |
|  |  | Filing Date<br><b>February 27, 2004</b>  | Group Art Unit<br><b>3733</b>        |

### Foreign Patent Documents or Published Foreign Patent Applications

| Examiner Initial | Desig. ID | Document Number | Publication Date | Country or Patent Office | Class | Subclass | Translation |    |
|------------------|-----------|-----------------|------------------|--------------------------|-------|----------|-------------|----|
|                  |           |                 |                  |                          |       |          | Yes         | No |
|                  | 79        | WO 03/026482    | 4/07/2005        | WIPO                     |       |          |             |    |
|                  | 80        | WO 05/030318    | 4/7/2005         | WIPO                     |       |          |             |    |
|                  | 81        | WO 06/042241    | 4/20/2006        | WIPO                     |       |          |             |    |
|                  | 82        | WO 06/066217    | 6/22/2006        | WIPO                     |       |          |             |    |

### Other Documents (include Author, Title, Date, and Place of Publication)

| Examiner Initial | Desig. ID | Document   |
|------------------|-----------|--|
|                  | 83        | Anatomy of the Lumbar Spine in MED TM MicroEndoscopic Discectomy (1997 Ludann Grand Rapids MI), 14 pgs   |
|                  | 84        | Dirksmeier et al., "Microendoscopic and Open Laminotomy and Discectomy in Lumbar Disc Disease" <u>Seminars in Spine Surgery</u> , 1999, 11(2): 138-146   |
|                  | 85        | METRx Delivered Order Form, 1999, 13 pages   |
|                  | 86        | Medtronic Sofamor Danek "METRx <sup>TM</sup> MicroDiscectomy System," <u>Medtronic Sofamor Danek USA</u> , 2000, 21 pgs  |
|                  | 87        | Medtronic Sofamor Danek "METRx System Surgical Technique," 2004, 22 pages  |
|                  | 88        | "MetRx System MicroEndoscopic Discectomy: An Evolution in Minimally Invasive Spine Surgery," <u>Sofamor Danek</u> , 1999, 6 pages  |
|                  | 89        | Smith and Foley "MetRx System MicroEndoscopic Discectomy: Surgical Technique" <u>Medtronic Sofamor Danek</u> , 2000, 24 pages  |
|                  | 90        | "Sofamor Danek MED Microendoscopic Discectomy System Brochure" including Rapp "New endoscopic lumbar technique improves access preserves tissue" Reprinted with permission from: <u>Orthopedics Today</u> , 1998, 18(1): 2 pages |
|                  | 91        | Japanese Patent Office JP Patent Application No. 2006-528306 Office Action with English Translation, June 10, 2009, 4 pages  |
|                  | 92        | Plaintiffs' Preliminary Invalidity Contentions re US Patents 7207949; 7470236 and 7582058, September 18, 2009, 19 pages  |
|                  | 93        | Plaintiffs' Preliminary Invalidity Contentions-Appendices, September 18, 2009, 191 pages   |
|                  | 94        | Plaintiffs' Supplemental Preliminary Invalidity Contentions re US Patents 7207949, 7470236, and 7582058, September 29, 2009, 21 pages  |
|                  | 95        | Plaintiffs' Supplemental Preliminary Invalidity Contentions-Appendices, September 29, 2009, 294 pages  |
|                  | 96        | Axon 501(k) Notification: Epoch 2000 Neurological Workstation, December 3, 1997, 464 pages   |
|                  | 97        | Foley and Smith, "Microendoscopic Discectomy," <u>Techniques in Neurosurgery</u> , 1997, 3(4):301-307  |
|                  | 98        | Medtronic Sofamor Danek "UNION <sup>TM</sup> / UNION-L <sup>TM</sup> Anterior & Lateral Impacted Fusion Devices: Clear choice of stabilization," <u>Medtronic Sofamor Danek</u> , 2000, 4 pages                                  |
|                  | 99        | NuVasive Vector <sup>TM</sup> Cannulae, 1 page (prior to Sept. 25 2003)  |

|  |                                      |
|--|--------------------------------------|
| Examiner Signature<br><b>/Ellen Hammond/</b> | Date Considered<br><b>08/05/2010</b> |
|--|--------------------------------------|

EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute Disclosure Form (PTO-1449)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /E.C.H./

|  |  |  |                                      |
|--|--|--|--------------------------------------|
| Substitute Form PTO-1449<br>(Modified)   | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br><b>014US1</b>     | Application No.<br><b>10/789,797</b> |
| <b>Information Disclosure Statement<br/>by Applicant</b><br>(Use several sheets if necessary)<br><br>(37 CFR §1.98(b)) |  | Applicant<br><b>Patrick Miles et al.</b> |                                      |
|  |  | Filing Date<br><b>February 27, 2004</b>  | Group Art Unit<br><b>3733</b>        |

| Other Documents (include Author, Title, Date, and Place of Publication) |           |  |
|---|-----------|--|
| Examiner Initial  | Desig. ID | Document   |
|   | 100       | NuVasive Triad™ Tri-Columnar Spinal EndoArthrodesis™ via Minimally Invasive Guidance, 1 page (prior to Sept. 25 2003)  |
|   | 101       | NuVasive Triad™ Cortical Bone Allograft, 1 page (prior to Sept. 25 2003)   |
|   | 102       | NuVasive Vertebral Body Access System, 1 page (prior to Sept. 25 2003)   |
|   | 103       | Marina, "New Technology for Guided Navigation with Real Time Nerve Surveillance for Minimally Invasive Spine Discectomy & Arthrodesis," <u>Spine</u> , 2000, page 39   |
|   | 104       | NuVasive "INS-1 Screw Test," 2001, 10 pages  |
|   | 105       | NuVasive letter re 510k Neuro Vision JJB System, October 16, 2001, 5 pages   |
|   | 106       | NuVasive letter re 510k Guided Arthroscopy System, October 5, 1999, 6 pages  |
|   | 107       | NuVasive letter re 510k INS-1 Intraoperative Nerve Surveillance System, November 13, 2000, 7 pages   |
|   | 108       | "NuVasive™ Receives Clearance to Market Two Key Elem Minimally Invasive Spine Surgery System," November 27, 2001, 20 pages   |
|   | 109       | Schick et al., "Microendoscopic lumbar discectomy versus open surgery: an intraoperative EMG study," <u>Eur Spine J</u> , 2002, 11: 20-26  |
|   | 110       | NuVasive letter re: 510(k) for Neurovision JJB System (Summary), September 25, 2001, 28 pages  |
|   | 111       | NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), July 3, 2003, 18 pages   |
|   | 112       | NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), March 1, 2004, 16 pages  |
|   | 113       | NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), May 26, 2005, 17 pages   |
|   | 114       | NuVasive letter re: 510(k) Premarket Notification: Neurovision JJB System (Device Description), June 24, 2005, 16 pages  |
|   | 115       | NuVasive letter re: Special 510(k) Premarket Notification: Neurovision JJB System (Device Description), September 14, 2006, 17 pages   |
|   | 116       | NuVasive 510(k) Premarket Notification: Neurovision JJB System (Device Description), August 20, 2007, 8 pages  |
|   | 117       | NuVasive letter re: 510(k) Premarket Notification: Guided Spinal Arthroscopy System (Device Description), February 1, 1999, 40 pages   |
|   | 118       | NuVasive 510(k) Premarket Notification: Spinal System (Summary), April 12, 2004, 10 pages  |
|   | 119       | NuVasive 510(k) Summary NIM Monitor, September 4, 1998, 4 pages  |
|   | 120       | NuVasive correspondence re 510(k) Premarket Notification INS-1 Intraoperative Nerve Surveillance System: Section IV Device Description," pages 12-51 (prior to Sept. 25 2003)  |
|   | 121       | NuVasive letter re 510(k) Premarket Notification INS-1 Intraoperative Nerve Surveillance System, August 24, 2000, 81 pages   |
|   | 122       | Isley et al., "Recent Advances in Intraoperative Neuromonitoring of Spinal Cord Function: Pedicle Screw Stimulation Techniques," <u>American Journal of Electroneurodiagnostic Technology</u> , June 1997, 37(2): 93-126 |

|  |                                      |
|--|--------------------------------------|
| Examiner Signature<br><b>/Ellen Hammond/</b> | Date Considered<br><b>08/05/2010</b> |
|--|--------------------------------------|

EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute Disclosure Form (PTO-1449)

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /E.C.H./

|  |  |  |                                      |
|--|--|--|--------------------------------------|
| Substitute Form PTO-1449<br>(Modified)   | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br><b>014US1</b>     | Application No.<br><b>10/789,797</b> |
| <b>Information Disclosure Statement<br/>by Applicant</b><br>(Use several sheets if necessary)<br><br>(37 CFR §1.98(b)) |  | Applicant<br><b>Patrick Miles et al.</b> |                                      |
|  |  | Filing Date<br><b>February 27, 2004</b>  | Group Art Unit<br><b>3733</b>        |

| Other Documents (include Author, Title, Date, and Place of Publication) |           |   |
|---|-----------|---|
| Examiner Initial  | Desig. ID | Document  |
|   | 123       | Mathews et al., "Laparoscopic Discectomy with Anterior Lumbar Interbody Fusion," <u>SPINE</u> , 1995, 20(16): 1797-1802   |
|   | 124       | Rose et al., "Persistently Electrified Pedicle Stimulation Instruments in Spinal Instrumentation: Techniques and Protocol Development," <u>SPINE</u> , 1997, 22(3): 334-343   |
|   | 125       | Journee et al., "System for Intra-Operative Monitoring of the Cortical Integrity of the Pedicle During Pedicle Screw Placement in Low-Back Surgery: Design and Clinical Results," <u>Sensory and Neuromuscular Diagnostic Instrumentation and Data Analysis I, 18th Annual International Conference on Engineering in Medicine and Biology Society</u> , Amsterdam, 1996, pages 144-145 |
|   | 126       | Medtronic Sofamor Danek "UNION™ / UNION-L™ Anterior & Lateral Impacted Fusion Devices: Surgical Technique" <u>Medtronic Sofamor Danek</u> , 2001, 20 pages  |
|   | 127       | Defendant's Disclosure of Asserted Claims and Preliminary Infringement Contentions Regarding USP 7207949; 7470236 and 7582058, August 31, 2009, 21 pages  |
|   | 128       | Bergey et al., "Endoscopic Lateral Transpsoas Approach to the Lumbar Spine," <u>Spine</u> , 2004, 29(15): 1681-1688   |
|   | 129       | Dezawa et al., "Retroperitoneal Laparoscopic Lateral Approach to the Lumbar Spine: A New Approach, Technique, and Clinical Trial," <u>Journal of Spinal Disorders</u> , 2000, 13(2): 138-143  |
|   | 130       | Gardocki, "Tubular discectomy minimizes collateral damage: A logical progression moves spine surgery forward," <u>AAOS Now</u> , 2009, 5 pages  |
|   | 131       | Hovorka et al., "Five years' experience of retroperitoneal lumbar and thoracolumbar surgery," <u>Eur Spine J.</u> , 2000, 9(1): S30-S34   |
|   | 132       | Kossman et al., "The use of a retractor system (SynFrame) for open, minimal invasive reconstruction of the anterior column of the thoracic and lumbar spine," <u>Eur Spine J.</u> , 2001, 10: 396-402   |
|   | 133       | Mayer, "A New Microsurgical Technique for Minimally Invasive Anterior Lumbar Interbody Fusion," <u>Spine</u> , 1997, 22(6): 691-699   |
|   | 134       | Mayer, "The ALIF Concept," <u>Eur Spine J.</u> , 2000, 9(1): S35-S43  |
|   | 135       | Mayer and Wiechert, "Microsurgical Anterior Approaches to the Lumbar Spine for Interbody Fusion and Total Disc Replacement," <u>Neurosurgery</u> , 2002, 51(2): 159-165   |
|   | 136       | McAfee et al., "Minimally Invasive Anterior Retroperitoneal Approach to the Lumbar Spine: Emphasis on the Lateral BAK," <u>Spine</u> , 1998, 23(13): 1476-1484  |
|   | 137       | Rao, et al. "Dynamic retraction of the psoas muscle to expose the lumbar spine using the retroperitoneal approach," <u>J. Neurosurg Spine</u> , 2006, 5: 468-470  |
|   | 138       | Wolfla et al., "Retroperitoneal lateral lumbar interbody fusion with titanium threaded fusion cages," <u>J. Neurosurg (Spine 1)</u> , 2002, 96: 50-55   |

|  |                                      |
|--|--------------------------------------|
| Examiner Signature<br><b>/Ellen Hammond/</b>   | Date Considered<br><b>08/05/2010</b> |
| EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                                      |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH: /E.C.H./